



General Assembly

Amendment

May Special Session, 2016

LCO No. 6456



Offered by:

SEN. FASANO, 34th Dist.

SEN. WITKOS, 8th Dist.

To: Senate Bill No. 505

File No.

Cal. No.

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike subdivision (1) of subsection (a) of section 4 in its entirety and
2 substitute the following in lieu thereof:

3 "(a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court
5 the case of any child or young adult charged with the commission of a
6 capital felony under the provisions of section 53a-54b in effect prior to
7 April 25, 2012, a class A felony, or a class B felony, except as provided
8 in [subdivision (3) of this] subsection (b) of this section, or a violation
9 of section 53a-54d, provided such offense was committed [after such
10 child attained the age of fifteen years] by a child when such child was
11 at least fifteen years of age or by a young adult, or a violation of
12 section 53a-196e or 53a-196f committed when such person was a young
13 adult, and counsel has been appointed for such child or young adult if
14 such child or young adult is indigent. Such counsel may appear with
15 the child or young adult but shall not be permitted to make any

16 argument or file any motion in opposition to the transfer. The child or
17 young adult shall be arraigned in the regular criminal docket of the
18 Superior Court at the next court date following such transfer. [
19 provided any] Any proceedings held prior to the finalization of such
20 transfer shall be private and shall be conducted in such parts of the
21 courthouse or the building in which the court is located that are
22 separate and apart from the other parts of the court which are then
23 being used for proceedings pertaining to [adults] persons charged with
24 crimes on the regular criminal docket."

25 Strike subdivision (2) of subsection (c) of section 4 in its entirety and
26 insert the following in lieu thereof:

27 "(2) Notwithstanding any provision of the general statutes, when
28 sentencing a person whose case has been transferred to the regular
29 criminal docket of the Superior Court pursuant to this section and who
30 is convicted of an offense for which there is a mandatory minimum
31 sentence which shall not be suspended, the court may suspend the
32 execution of such mandatory minimum sentence if such person was
33 under eighteen years of age at the time of the offense, except if the
34 offense is a violation of section 53a-196e or 53a-196f."

35 Strike subdivision (1) of subsection (a) of section 33 in its entirety
36 and substitute the following in lieu thereof:

37 "(1) "Youth" means (A) a [minor who has reached the age of sixteen
38 years but has not reached the age of eighteen years] person who is
39 sixteen years of age or older but under twenty-one years of age at the
40 time of the alleged offense, except if the alleged offense is a violation of
41 section 53a-196e or 53a-196f, in which case the person is sixteen or
42 seventeen years of age, or (B) a [child] person who has been
43 transferred to the regular criminal docket of the Superior Court
44 pursuant to section 46b-127, as amended by this act; and"